

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 10, 2004 PLANNING COMMISSION MEETING
REVISED

P.A.S.: Waiver #04013

PROPOSAL: Waive sidewalks associated with Sterling Summit final plat #96018.
LOCATION: S. 70th St. & Sterling Place

CONCLUSION: Sterling Summit final plat was approved on July 17, 1996. The subdivision ordinance requires that sidewalks be installed within four years of the final plat approval. The use permit identified sidewalks on the north side of Sterling Place. The installation of a sidewalk along the south side of Sterling Place is an acceptable alternative, provided that it is installed as soon as possible, prior to May 1, 2005.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 7-9, Sterling Summit; located in the SE 1/4 of Section 33, Township 10, Range 7; Lancaster County, NE

EXISTING ZONING: R-T, Residential Transition

EXISTING LAND USE: Office buildings.

SURROUNDING LAND USE AND ZONING:

North:	R-1, Residential	Single family house
South:	B-1, Local Business Retail	commercial
	O-2, Suburban Office	Office buildings
East:	R-4, Residential	Residential
West:	R-1, Residential	Single family houses

HISTORY:

July 17, 1996 Sterling Summit final plat was approved by the Planning Commission.

February 26, 1996 Use Permit #81 and Preliminary Plat #95018 for Sterling Summit and Change of Zone 2942 from R-1 to R-T was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

"Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents." (F-18)

"Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile." (F-19)

"Streets and public spaces should be safe, comfortable, and interesting to the pedestrian." (F-19)

"Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process." (F-66)

"Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods." (F-66)

The sidewalk system should be complete and without gaps." (F-89)

TRAFFIC ANALYSIS:

S. 70th St is classified as a minor arterial.
Sidewalk exist along S. 70th St.

ANALYSIS:

1. This is a request to eliminate the requirement for sidewalks on the north side of Sterling Place adjacent to Lots 7-9.
2. Section 26.27.020 of the Land Subdivision Ordinance states that sidewalks shall be constructed on both sides of all streets within the subdivision and on the side of the streets abutting the subdivision.
3. A condition for approval of the final plat was to install the sidewalks along Sterling Place as shown on the Use Permit or post a surety in the amount of \$4,000.00. A surety in the amount of \$4,000.00 was posted by S.E. Development.
4. The subdivision agreement for Sterling Summit states that the subdivider agrees to complete the private improvements shown on the preliminary plat and use permit. The preliminary plat and use permit show a sidewalk on the north side of Sterling Place.
5. The approved site plan for the Use Permit shows the sidewalk 4'-6" from the curb. The sidewalk is 4' wide and the landscaping is shown north of the sidewalk in a 8' wide

area. The utility plan shows the fire hydrant north of the sidewalk. Since the hydrant was located closer to the curb than intended, the sidewalk can be designed around it.

6. Sidewalks are required to be installed within four years of the approval of the final plat. It has been more than eight years since the final plat was approved.
7. The applicant states that installing sidewalks would significantly degrade the landscaping. The existing landscaping is grass and shrubs. There is adequate space for a sidewalk between the curb and landscaping on the north side of Sterling Place. The shrubs are approximately 8 feet from the back of curb of Sterling Place. This is adequate room for a 4 feet sidewalk.
8. Section 26.31.010 of the Land Subdivision ordinance states; "Whenever a lot, tract, or parcel of land is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the subdivider may request a modification of such requirements."
9. Although there are sidewalks in front of the office buildings, they do not serve the same purpose of providing a safe place to walk along side the private roadway. These sidewalks could provide a place for pedestrians into the development, if they connected to S. 70th Street. However, due to the grading of the site, these sidewalks can not now be extended to 70th without significant work.
10. Nationally and locally more emphasis is being placed on encouraging people to walk. To facilitate walking, pedestrians must have a safe place to walk. This includes installing sidewalks and separating pedestrians from automobiles.
11. On this site, the sidewalk will provide access to the hiker/biker trail built immediately adjacent on the west side of S. 70th Street.
12. A site visit identified a pathway leading from the adjacent house to the west to this development. This would indicate that there is pedestrian traffic through this development.
13. The applicant has proposed an alternative sidewalk location. A sidewalk would be installed on the south side of Sterling Place. This would allow a sidewalk connection from S. 70th St. to the retail businesses. The applicant also states that the sidewalk shall be installed no later than May 1, 2005.
14. The south side of Sterling Place is not within the boundaries of the use permit and therefore no sidewalks were required. Installing sidewalks at this location in lieu of the

north side of Sterling Place is a minimal alternative. It provides a comparable connection to the retail building from 70th Street rather than building the sidewalk on the north side. However, it does not provide the best pedestrian access for the office buildings. Particularly the two office buildings to the west of the retail building could have used the sidewalk on the north side of Sterling Place, with only a short crossing of parking drive. Under the alternative plan, pedestrians will have to cross much more of the parking area to reach the sidewalk.

SUMMARY

This application highlights the need for clear standards for pedestrian sidewalks within commercial developments. The applicant could have built the sidewalk initially or anytime in the past eight years to provide better path for pedestrians than walking in the driveways.

The alternative plan proposed by the applicant provides adequate access to the retail uses in the B-1 zoning, outside of the use permit. The alternative does not provide the best pedestrian access to the office buildings. Part of the problem is that there is not the same type of review of pedestrian circulation in B-1 zoning, outside the area of the use permit. The City is currently working on updated standards for pedestrian circulation in commercial and industrial areas, regardless of the zoning district, which should help avoid situations such as this one from occurring in the future.

CONDITIONS OF APPROVAL

1. The requirement that a sidewalk be built on the north side of Sterling Place is waived provided a sidewalk is constructed along the south side of Sterling Place, including a painted pedestrian crosswalk, as soon as possible, and prior to May 1, 2005.

Prepared by:

Tom Cajka
Planner

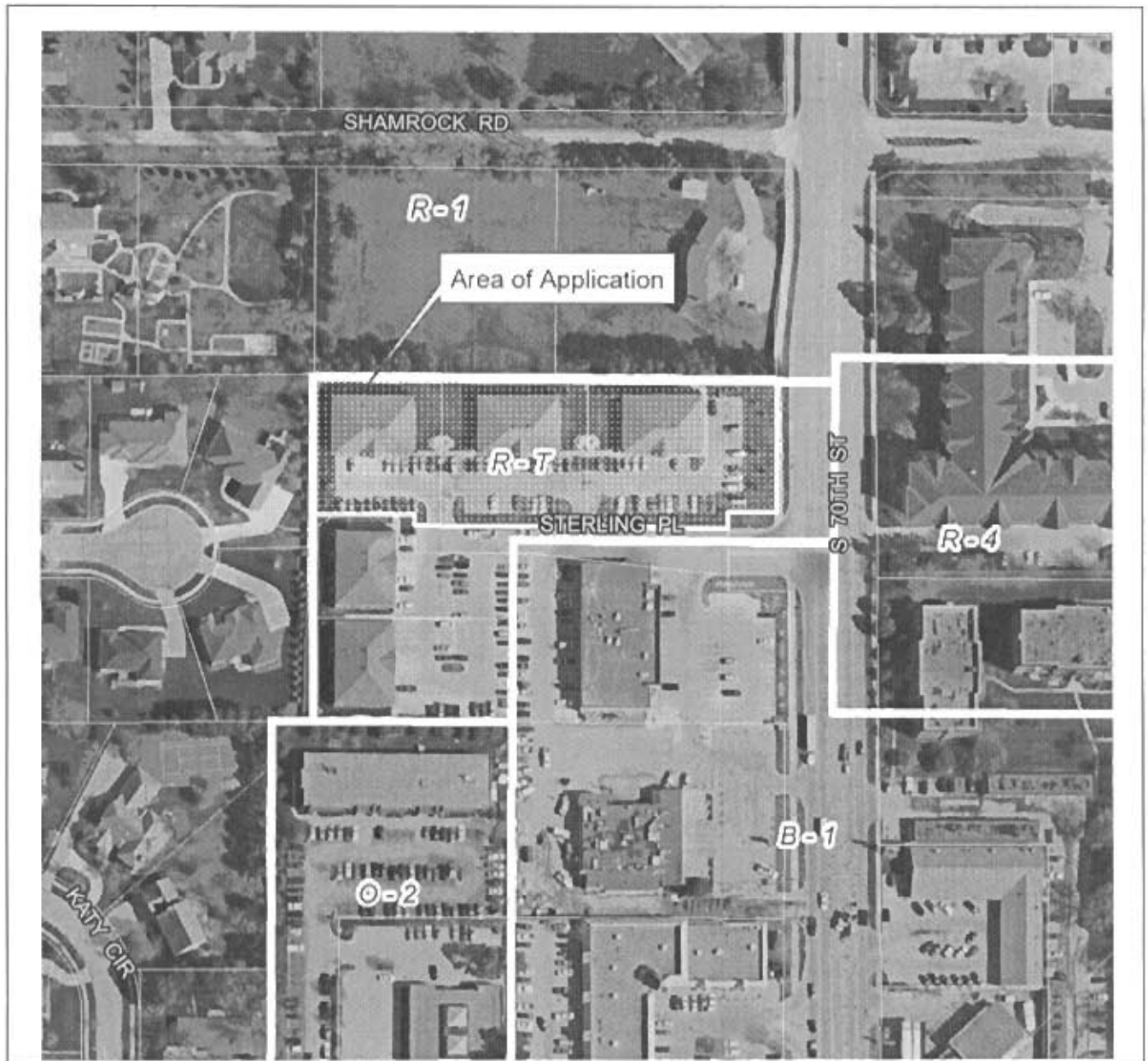
DATE: October 27, 2004

APPLICANT: SE Development
P. O. Box 83089
Lincoln, NE 68501
(402) 434-9350

OWNER: same as applicant

CONTACT: A. Michael Alesio
2601 S. 70th St.
Lincoln, NE 68506
(402) 434-9380

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2002 aerial

Waiver #04013 2601 S. 70th St.

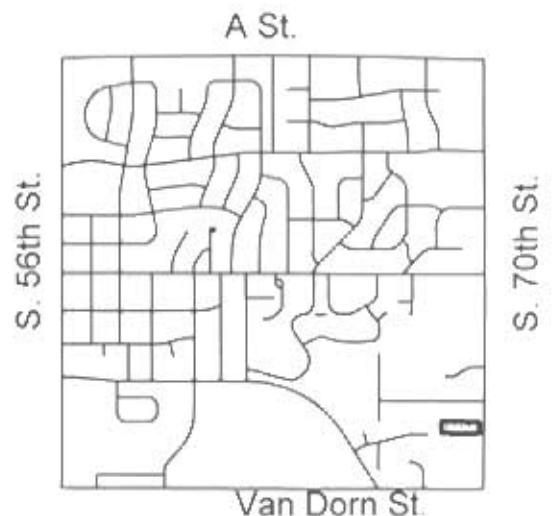
Zoning:

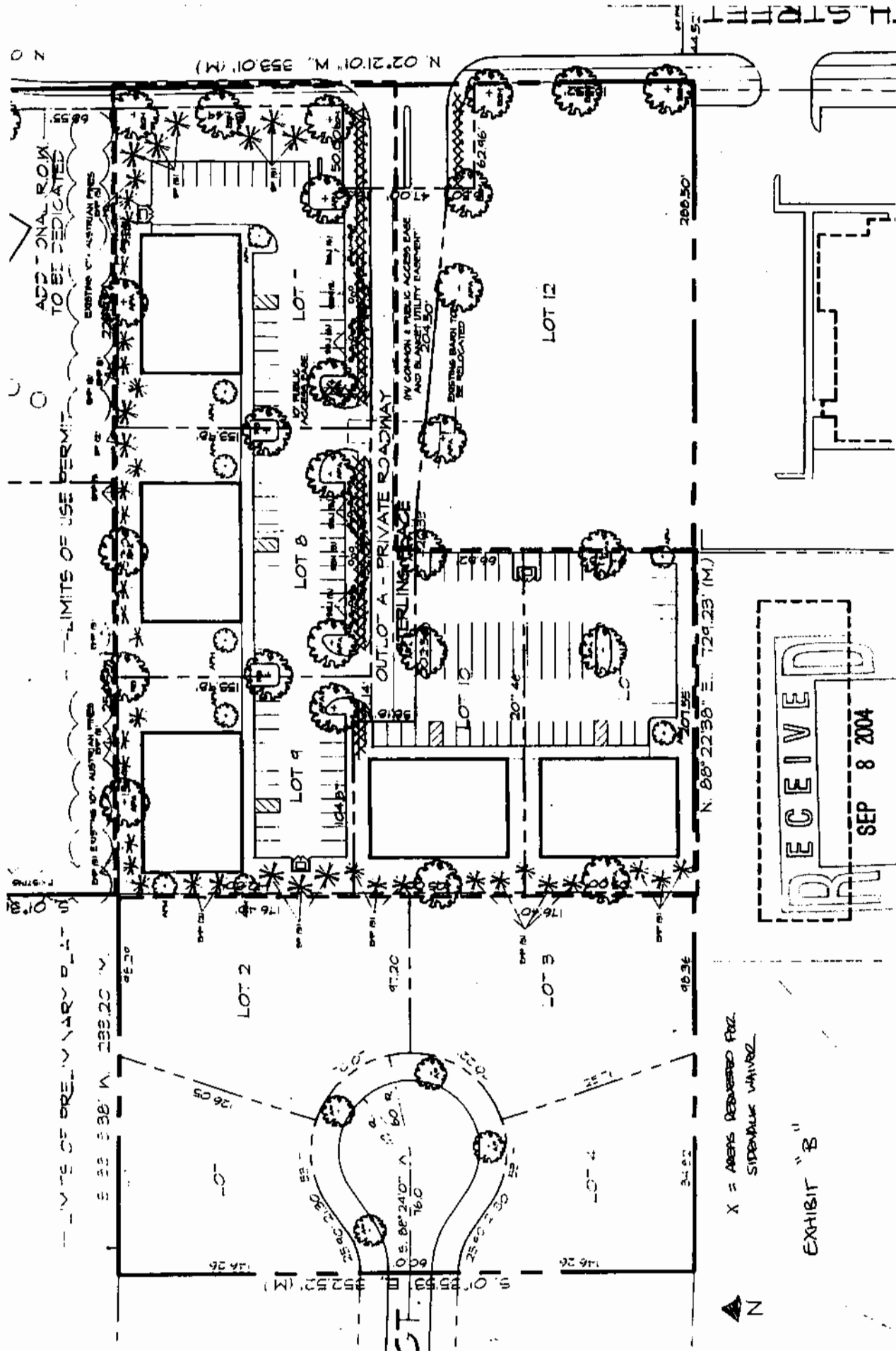
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 33 T10N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction





X = AREAS REQUESTED FOR
SIDEWALK WAYIN

EXHIBIT "B"

RECEIVED
SEP 8 2004
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

A. MICHAEL ALESIO
SE DEVELOPMENT
PO Box 83089
LINCOLN, NE 68501

September 7, 2004

Mr. Marvin Krout
Director of Planning
City of Lincoln/Lancaster County
555 South 10th, Room 213
Lincoln, NE 68508

Dear Mr. Krout:

Enclosed is our application to waive the sidewalk requirements for the sidewalks in question along our private roadway at Sterling Place. Our attached Purpose Statement outlines our position and we believe you will concur that our reasoning for this request is sound. We respectfully ask for your careful consideration and support for this request. Enclosed you will find:

- City of Lincoln Zoning Application
- Exhibit A – Purpose Statement
- Exhibit B – General Site Plan
- Exhibit C – Lancaster County Parcel Map
- Exhibit D – Site photographs

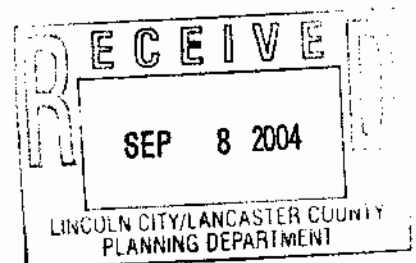
We respectfully request that this matter be brought forth for consideration at the October 13, 2004, meeting of the Planning Commission. Please feel free to contact our special project manager, Allen Wachter (434-9354), or me directly at 434-9380 if you have further questions or you seek additional clarification on this matter.

Sincerely,



A. Michael Alesio

cc: SE Development File – Sterling Summit
AJW File – Sterling Summit



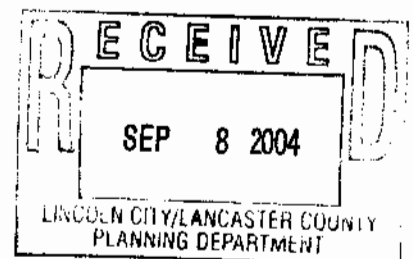
PURPOSE STATEMENT

Exhibit A

September 7, 2004

SAM Properties Inc. is respectfully requesting waiver of sidewalk construction in our Sterling Summit office park development, generally located at 2601 S. 70th Street in Lincoln, Nebraska. We request the waiver of sidewalks along the private roadway Sterling Place (see Exhibits B and C) for the following reasons:

- Sidewalks currently are in place in front of all office park buildings and were constructed to meet ADA accessibility standards for each office building tenant. As developer/landlord of record, we have received zero feedback from the office tenants that sidewalks as they exist today are insufficient to meet consumer/employee needs.
- The sidewalk in question we feel is unnecessary given our now-seven year history with the property and familiarity with traffic and walking patterns in the area. Traffic to our office park is almost exclusively by vehicle and we observe zero pedestrian traffic from 70th to tenant buildings.
- Construction of this sidewalk would significantly degrade our attempt to beautify and landscape our parking lot areas. Significant green space and some landscaping would need to be removed to make this sidewalk possible (See exhibit D).



STERLING SUMMIT OFFICE PARK

Exhibit D



D-3 LOOKING NORTH FROM SOUTH SIDE OF STERLING PLACE



D-4 LOOKING WEST ALONG TENANT BUILDINGS 2601

0000000000

SEP 8 2004

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STERLING SUMMIT OFFICE PARK

Exhibit D



D-1 NORTH SIDE OF STERLING PLACE - LOOKING WEST FROM 70TH STREET SIDEWALK



D-2 SOUTH SIDE OF STERLING PLACE - LOOKING WEST FROM 70TH STREET SIDEWALK

RECEIVED
SEP 8 2004

A. MICHAEL ALESIO
SE DEVELOPMENT
PO Box 83089
LINCOLN, NE 68501

October 25, 2004

HAND DELIVERED

Mr. Marvin Krout, Director of Planning
City of Lincoln/Lancaster County
555 South 10th, Room 213
Lincoln, NE 68508

Dear Mr. Krout:

In a desire to seek a consensus with City staff on the need for sidewalks along Sterling Place, we received from the Planning Commission a delay in the hearing on Waiver #04013 and met with Ray Hill and Tom Cajka from the Planning Department. As a result of that meeting, it is still our position that sidewalks along the north side of Sterling Place are unnecessary and still wish to receive a waiver. However, we have pledged pending approval of the waiver, to improve sidewalk access in another way.

The attached illustration (Exhibit E) details our intent if the waiver is granted that we will install a sidewalk along the south side of Sterling Place. This should dramatically improve the ability of the public to access the retail buildings within the Sterling Summit overall development. While the pledge is not legally binding, our intention stated in this public forum we feel is worth of your consideration.

- Exhibit E – Site Plan Illustration of new sidewalk
- Exhibit F – Amendment #1 to SE Development Purpose Statement
- Exhibit G – Additional Site photographs

We respectfully request that this matter be brought forth for consideration at the November 10, 2004, meeting of the Planning Commission and have requested so already in communication with Ray Hill. We believe you will find our amendment demonstrates our good faith effort to address concerns of all parties and arrive at an equitable and effective resolution to the issue. If you have further questions or you seek additional clarification on this matter, please feel free to contact me directly at my office at 402-434-9380.

Sincerely,

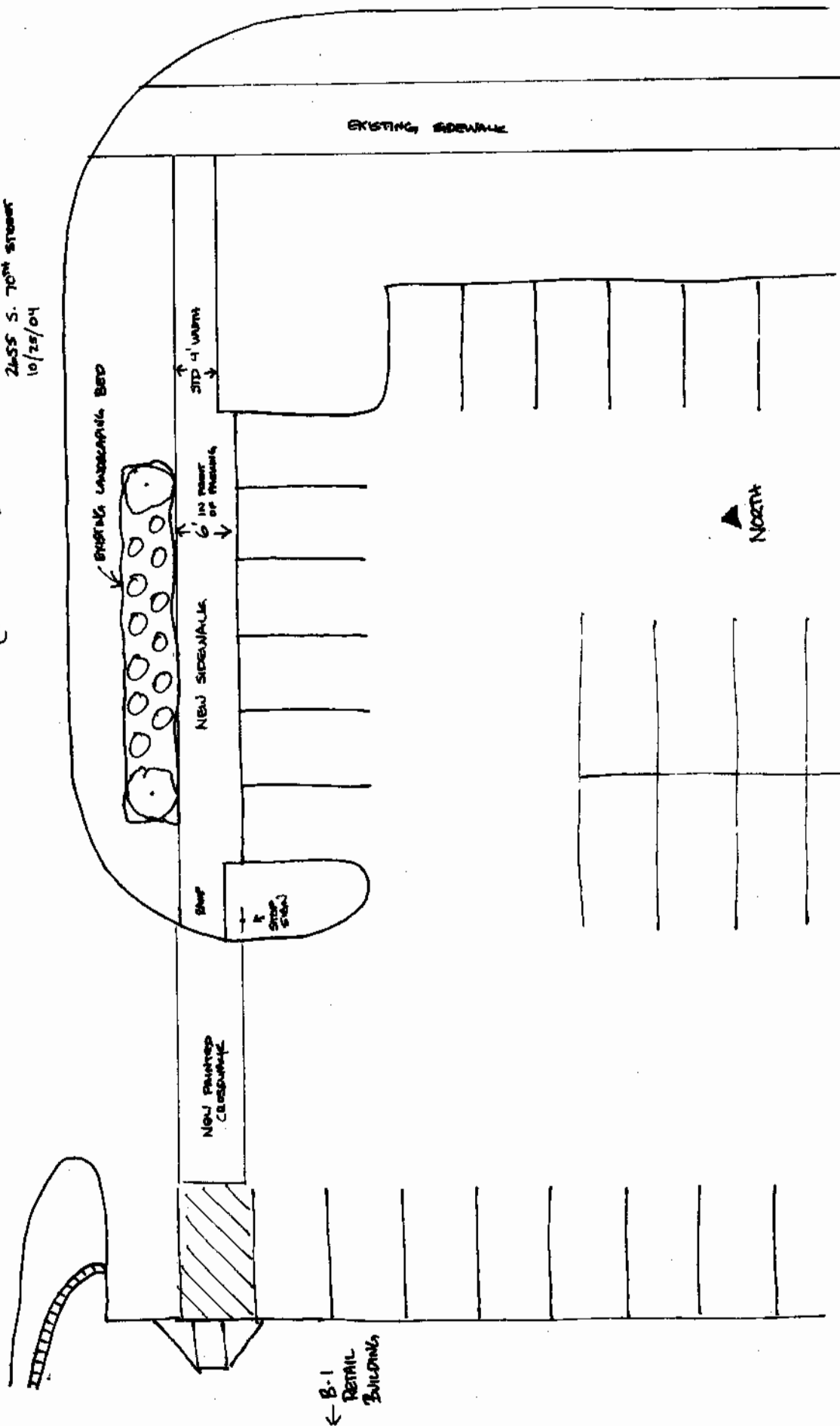


A. Michael Alesio

EXISTING "E"

PROPOSED SIDEWALK
STREETLIGHT DEVELOPMENT
2455 S. 70TH STREET
10/25/04

STREETLIGHT PLACE
(PARKING LOT)



← B-1
RETAIL
BUILDING

PURPOSE STATEMENT

Exhibit A

September 7, 2004

SAM Properties Inc. is respectfully requesting waiver of sidewalk construction in our Sterling Summit office park development, generally located at 2601 S. 70th Street in Lincoln, Nebraska. We request the waiver of sidewalks along the private roadway Sterling Place (see Exhibits B and C) for the following reasons:

- Sidewalks currently are in place in front of all office park buildings and were constructed to meet ADA accessibility standards for each office building tenant. As developer/landlord of record, we have received zero feedback from the office tenants that sidewalks as they exist today are insufficient to meet consumer/employee needs.
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- Construction of this sidewalk would significantly degrade our attempt to beautify and landscape our parking lot areas. Significant green space and some landscaping would need to be removed to make this sidewalk possible (See exhibit D).

AMENDMENT #1 TO PURPOSE STATEMENT

Exhibit "F" – 10-25-04

- Should the waiver of the sidewalk requirements be granted along the Sterling Place private roadway, we pledge to construct a sidewalk along the south side of the roadway to improve pedestrian access to the B-1 retail building at 2655 S. 70th (see Exhibit "E"). We intend to construct said sidewalk this year if weather still permits (2004) and no later than May 1, 2005.



LOOKING EAST FROM SIDEWALK OF B-1 BUILDING



LOOKING WEST AT B-1 BUILDING FROM 70TH STREET SIDEWALK